REMARKS

Applicant filed an Article 34 Amendment on July 9, 2004 with the Chapter II Demand. The Article 34 Amendment replaced claims 1-34 with claims 1-21. However, claims 1-34 as originally filed with the PCT application have been examined. Claims 1-21 presented in the Article 34 Amendment have not been examined. Applicant called the Examiner to discuss why claims 1-21 presented in the Article 34 Amendment were not examined. The Examiner indicated that the claims needed to be presented by Preliminary Amendment to be considered.

MPEP 1893.01(a)(3) states that:

> Amendments to the international application that were properly made under PCT Article 34 during the international preliminary examination phase (i.e., Chapter II) will be annexed by the International Preliminary Examining Authority to the international preliminary examination report (IPER) and communicated to the elected Offices. See PCT Article 36, PCT Rule 70.16, and MPEP § 1893.03(e). If these annexes are in English, they will normally be entered into the U.S. national stage application by the Office absent a clear instruction by the applicant that the annexes are not to be entered.

Applicant filed the Article 34 Amendment during the international preliminary examination phase, the Article 34 Amendment was annexed by the International Preliminary Examination Report (IPER), and the annexes were in English. Applicant also provided a copy of the IPER, including the Article 34 Amendment, with the United States National Stage filing of the PCT application. Claims 1-21 were presented to the Examiner for examination, and therefore claims 1-21 should have been examined.

However, by this amendment, Claims 1-34 have been cancelled, and new claims 35-70 have been added. Claims 35-55 correspond to claims 1-21 presented in the Article 34 Amendment. The Article 34 Amendment also included amended pages that corrected numbering inconsistencies. Applicant has re-presented these amendments for the Examiner's consideration.

The Article 34 Amendment included amended Figures 2, 8E, 10, 12B and 13. Applicant has re-presented these Figures. Figure 2 has been amended to change reference numeral "28" to "29." Figure 8E has been amended to add reference numeral "282" to indicate an attachment member. Figure 10 has been amended by moving the reference numeral "290" so that it aligns

with its corresponding line. Figure 12B has been amended by extending line "292" to contact the surface of the flange. Figure 13 has been amended to change reference numeral "292" to "295." These amendments are supported in the specification. No new matter is added. Replacement figures are enclosed.

The Examiner objected to the abstract as not appearing a separate page. The abstract is printed on the first page of the PCT published application. The abstract is presented on a separate page in this amendment.

The Examiner stated that the trademark Kevlar should be capitalized and accompanied by generic terminology. Applicant has amended the specification in view of the Examiner's comments.

Claims 1-6, 18-22, 24 and 34 were rejected under 35 U.S.C. 102(e) as being anticipated by the *Fargo* reference (US Patent 6,997,302). The *Fargo* reference does not disclose a drive assembly including a plurality of stepchain links each having an inner portion adapted to carry a tensile load and a distinct outer portion that includes a plurality of teeth made of an integrated single piece of material as recited in claim 57-70. The *Fargo* reference discloses an escalator drive mechanism including a stepchain link 36 including teeth 38 that engage teeth of a drive belt 35 (column 2, lines 57 to 59). However, the *Fargo* reference does not disclose that the stepchain link 36 includes an inner portion that is adapted to carry a tensile load and a distinct outer portion as claimed. The stepchain link 38 includes one portion, and therefore does not disclose an inner portion and a distinct outer portion. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1-3, 10-14, 19, 20, 26-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by *Kraft* (US Patent 4,232,783). *Kraft* does not disclose a drive assembly for a passenger conveyor system including a plurality of stepchain links each having a plurality of teeth made of an integrated single piece of material. *Kraft* discloses a transportation apparatus including a step link 30 having elements 62, 64 and 66 (column 4, lines 42 to 43). The element 66 is sandwiched between the elements 62 and 64 (column 4, lines 48 to 54) and includes a plurality of teeth 84 (column 4, lines 59 to 60). As shown in Figures 4 and 7, the plurality of teeth 84 are not made of an integrated piece of material. Instead, the plurality of teeth 84 are made of shell members 132 and 143 (column 6, lines 39 to 41) which are individual pieces that are not integrated. The claimed invention is not anticipated.

None of the proposed combinations under 35 U.S.C. 103(a) can be made. The *Fargo* reference could only qualify as prior art under 35 U.S.C. 102(e). 35 U.S.C. 103(c) states that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." The *Fargo* reference is commonly owned with the present invention and is subject to assignment to the same person as the present invention (Otis Elevator Company). Therefore, the *Fargo* reference cannot be used in a 103(a) combination because it is subject to assignment to the same person as the present invention.

STATEMENT CONCERNING COMMON OWNERSHIP

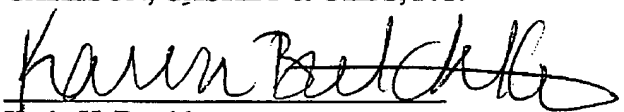
Application Serial No. 10/532,997 and U.S. Patent No. 6,997,302 were, at the time the invention of Applicant Serial No. 10/532,997 was made, subject to an obligation of assignment to the Otis Elevator Company.

Thus, claims 35-70 are in condition for allowance. The Commissioner is authorized to charge $220.00 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for two additional dependent claims ($100) and a one-month extension of time ($120). No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

RECEIVED
CENTRAL FAX CENTER
AUG 28 2006

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

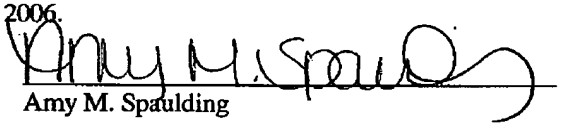


Karin H. Butchko
Registration No. 45,864
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: August 28, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on August 28, 2006.



Amy M. Spaulding